

STATE OF WASHINGTON  
DANGEROUS WASTE MANAGEMENT PERMIT  
FOR CORRECTIVE ACTION

Department of Ecology  
Northwest Regional Office  
3190 160th Ave. SE  
Bellevue, WA 98008

Issued in accordance with the applicable provisions of the Hazardous Waste Management Act in Chapter 70.105 Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC).

ISSUED TO:

Univar USA Incorporated  
8201 South 212<sup>th</sup> Street  
Kent, WA 98032

FOR:

Univar USA Incorporated  
8201 South 212<sup>th</sup> Street  
Kent, WA 98032

This Permit is effective as of [DATE], and shall remain in effect until [DATE], unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with WAC 173-303-806(7). Upon becoming effective, this Permit replaces Permit No. WAD067548966, issued by the Washington State Department of Ecology on October 1, 1991, under which Univar has been continuing to operate pursuant to WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY

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Julie Sellick, Section Manager  
Washington Department of Ecology  
Hazardous Waste & Toxics Reduction Program  
Northwest Regional Office

[DATE]

**INTRODUCTION**

PERMITTEE: Univar USA Incorporated

I.D. Number: WAD067548966

Pursuant to Chapter 70.105 RCW, the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 WAC, this permit is issued to Univar USA Incorporated (Univar) to conduct corrective action at the Facility located at 8201 South 212<sup>th</sup> Street, Kent, Washington. Univar must comply with all conditions of this Permit.

Pursuant to RCW 70.105D.030(1)(d), the Washington State Department of Ecology (Ecology) is designated by the Washington State Legislature to carry out all State programs authorized by the United States Environmental Protection Agency (EPA) pursuant to the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et. seq., as amended. Ecology has authority to issue this Permit in accordance with RCW 70.105.130 and is responsible for enforcement of all conditions of this Permit. Anyone may appeal these permit conditions or decisions by Ecology to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

**PART I - GENERAL CONDITIONS**

I.1 Univar shall comply with all requirements of WAC 173-303-810, which are hereby incorporated by reference into this Permit.

I.2. Modifications to the Agreed Order # DE 5988 shall not require a permit modification, except when required by WAC 173-303-830, Appendix I (N)(5) to incorporate a substantial change requiring public comment under WAC 173-340-600. The Agreed Order # DE 5988 is not appealable to the Pollution Control Hearings Board. The Agreed Order # DE 5988 may be reviewed only as provided under the Model Toxics Control Act, Chapter 70.105D.060 RCW.

I.3. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under any other state or federal laws governing protection of public health or the environment. However, compliance with the terms of this Permit does constitute a defense to any action alleging failure to comply with the applicable standards upon which this Permit is based.

I.4. Pursuant to WAC 173-303-806(6), Univar shall submit a new application for a final permit 180 days prior to the expiration date of this permit, unless Ecology grants a later date provided that such date is not later

than the expiration date of the Permit. This Permit and all its conditions will remain in effect beyond the Permit's expiration date until Ecology has made a final permit determination if: (1) Univar has submitted a timely application for a final status permit; (2) Ecology determines that the final permit application is complete as set forth in WAC 173-303-840(1)(b); and (3) Ecology has not made a final permit determination as set forth in WAC 173-303-840.

If Univar fails to comply with the terms and conditions of the expiring or expired permit, then Ecology may take action consistent with WAC 173-303-806(7)(b). If Univar fails to submit a timely, complete application as required herein, then those permit conditions necessary to protect human health and the environment will remain in effect beyond the Permit's expiration date in accordance with WAC 173-303-815(2)(b)(ii), until Ecology terminates the conditions.

## **PART II - CORRECTIVE ACTION**

II. Ecology is requiring that Univar fulfill corrective action responsibilities for the facility, as defined by WAC 173-303-040, using the Model Toxics Control Act (MTCA), (Chapter RCW 70.105D), as amended, and its implementing regulations (Chapter 173-340 WAC), and the Dangerous Waste Regulations [(Chapter 173-303 WAC – specifically, WAC 173-303-646]. See Section III.1, *infra*. The actions taken must meet or exceed all substantive corrective action requirements of the Resource Conservation and Recovery Act (RCRA), the state Hazardous Waste Management Act, and the Dangerous Waste Regulations.

Univar's corrective action obligations with respect to the Facility under the Agreed Order # DE 5988, effective [DATE], are enforceable conditions of this Permit under the authority of Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

## **PART III - CORRECTIVE ACTION CONDITIONS**

III.1. The Agreed Order # DE 5988 , effective [DATE], was issued pursuant to the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, as amended, its implementing regulations, Chapter 173-340 WAC, and the Dangerous Waste Regulations, WAC 173-303-646. The Agreed Order # DE 5988 and its attachments are incorporated by reference as fully enforceable under this Permit. Regardless of whether or not the Agreed Order is vacated, Univar's corrective action obligations continue to be enforceable conditions of this Permit under the authority of the Hazardous Waste Management Act (HWMA), Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

III.2. The Agreed Order # DE 5988 requires Univar to submit and finalize a remedial investigation, focused feasibility study addendum, and draft cleanup action plan (RI/FS/DCAP) for the facility.

III.3. Following public comment and Ecology's final review of the RI/FS/DCAP, Ecology will select a final cleanup remedy for the Facility. At that time, this Permit will be modified as needed to include the Ecology selected remedy and incorporate by reference the Agreed Order No. DE 5988.

III.4. After the final cleanup remedy has been selected and the permit has been modified, Univar will implement the final cleanup action for the Facility.